

REFERENCE TITLE: immigration enforcement

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HCR 2049

Introduced by
Representatives Pearce, Barnes, Boone, Burges, Farnsworth, Groe, Kavanagh,
Yarbrough, Senators Bee, Blendu, Burns, Gray C, Johnson: Representatives
Biggs, Clark, Crump, McClure, McComish, McLain, Murphy, Nelson, Nichols,
Robson, Stump, Weiers J, Senators Gould, Gray L, Harper, Huppenthal,
Verschoor

A CONCURRENT RESOLUTION

ENACTING AND ORDERING SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO LOCAL
IMMIGRATION ENFORCEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

1. Under the power of the referendum, as vested in the Legislature, the following measure, relating to local immigration enforcement, is enacted to become valid as a law if approved by the voters and on proclamation of the Governor:

AN ACT

AMENDING TITLE 11, CHAPTER 7, ARIZONA REVISED STATUTES, BY
ADDING ARTICLE 8; RELATING TO LOCAL IMMIGRATION ENFORCEMENT.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 11, chapter 7, Arizona Revised Statutes, is amended by adding article 8, to read:

ARTICLE 8. ENFORCEMENT OF IMMIGRATION LAWS

11-1051. Cooperation and assistance in enforcement of immigration laws

A. ALL OFFICIALS, AGENCIES AND PERSONNEL OF COUNTIES, CITIES AND TOWNS SHALL FULLY COMPLY WITH AND, TO THE FULL EXTENT PERMITTED BY LAW, SUPPORT THE ENFORCEMENT OF FEDERAL IMMIGRATION LAWS OF THE UNITED STATES.

B. EXCEPT AS PROVIDED IN FEDERAL LAW, OFFICIALS, AGENCIES OR PERSONNEL OF COUNTIES, CITIES AND TOWNS MAY NOT BE PROHIBITED OR IN ANY WAY RESTRICTED FROM SENDING, RECEIVING OR MAINTAINING INFORMATION RELATING TO THE IMMIGRATION STATUS, LAWFUL OR UNLAWFUL, OF ANY INDIVIDUAL OR EXCHANGING THAT INFORMATION WITH ANY OTHER FEDERAL, STATE OR LOCAL GOVERNMENTAL ENTITY FOR THE FOLLOWING OFFICIAL PURPOSES:

1. DETERMINATION OF ELIGIBILITY FOR ANY FEDERAL, STATE OR LOCAL PUBLIC BENEFIT, SERVICE OR LICENSE THAT IS RESTRICTED IN WHOLE OR IN PART ON THE BASIS OF IMMIGRATION STATUS.

2. VERIFICATION OF ANY CLAIM OF LEGAL DOMICILE IF LEGAL DOMICILE IS REQUIRED BY LAW OR CONTRACT.

3. CONFIRMATION OF THE IDENTITY OF ANY PERSON WHO IS
DETAINED AND WHO CLAIMS NOT TO BE A CITIZEN OF THE UNITED
STATES.

C. COUNTY SHERIFFS AND POLICE DEPARTMENTS OF CITIES AND TOWNS MAY IMPLEMENT A PROGRAM TO TRAIN PEACE OFFICERS TO INVESTIGATE VIOLATIONS OF FEDERAL IMMIGRATION LAWS. THE TRAINING SHALL BE FUNDED BY ANY SOURCE OF FEDERAL FUNDING OR BY THE STATE IF FEDERAL FUNDING IS UNAVAILABLE.

D. THE REQUIREMENTS AND OBLIGATIONS OF THIS SECTION SHALL BE IMPLEMENTED IN A MANNER FULLY CONSISTENT WITH FEDERAL LAW REGULATING IMMIGRATION AND PROTECTING THE CIVIL RIGHTS OF CITIZENS AND ALIENS INCLUDING COMPLIANCE WITH THE FEDERAL CASES OF UNITED STATES v. DI RE, 332 U.S. 581 (1948), UNITED STATES v.

1 JANIK, 723 F.2d 537 (7TH CIR. 1983) AND UNITED STATES v.
2 SALINAS-CALDERON, 728 F.2d 1298 (10TH CIR. 1984).

3 2. The Secretary of State shall submit this proposition to the voters
4 at the next general election as provided by article IV, part 1, section 1,
5 Constitution of Arizona.